

Remarks

The paragraphs of the Office action are responded to through the corresponding numbered paragraphs below. The applicant has addressed each issue in turn and, for clarity, has provided a heading for each issue.

1. The Examiner indicated that claims 1-25 are pending in this current application, that claims 17-25 were withdrawn from further consideration in Paper No. 5, and that the applicant in Paper No. 8 amended claims 1-16. The applicant believes that no specific response is required for this paragraph.

Drawings

2. The Examiner indicated that he accepts the substitute drawings received on 08 May 2003. The applicant believes that no specific response is required for this paragraph.

Claim Rejections - 35 U.S.C. § 102

3. The Examiner provided the citation to 35 U.S.C. § 102, which form the basis for the rejections under this section in the Office action. The applicant believes that no specific response is required for this paragraph.

4. The Examiner rejected claims 1-5, 7-14 and 16 "under 35 U.S.C. 102(e) as being anticipated by Bezos". The applicant has requested that claim 1, on which claims 2-5, 7-14 and 16 depend and which incorporate all of the limitations of claim 1, be amended to more clearly point out that in applicant's invention the appearance and features of the templates are dynamically adjusted based on the selected group of on-line marketplaces.

The applicant believes that this combination of features are neither disclosed nor suggested in the cited reference, or any other known reference. This feature of applicant's invention provides automatic customization of the product template based on the selected e-commerce marketplace and is not merely a "product-specific Web site" as described in the cited reference. Since claims 2-5, 7-14 and 16 depend on claims 1, which the applicant has amended, the applicant believes that this requested amendment is fully responsive to the rejection of this paragraph. The applicant respectfully requests reconsideration and withdrawal of this rejection.

Claim Rejections - 35 U.S.C. § 103

5. The Examiner provided the citation to 35 U.S.C. § 103(a), which form the basis for all obviousness rejections under this section in the Office action. The applicant believes that no specific response is required for this paragraph.

6. The Examiner rejected claims 6 and 15 "under 35 U.S.C. 103(a) as being unpatentable over Bezos U.S. Patent No. 6,029,141, in view of Official Notice". As noted above, the applicant has requested that claim 1, on which claims 6 and 15 depend and which incorporate all of the limitations of claim 1, be amended to more clearly point out that in applicant's invention the appearance and features of the templates are dynamically adjusted based on the selected group of on-line marketplaces. The applicant believes that the combination of steps, as defined in the amended claims, is neither described nor suggested by the cited or any other known references. Since claims 6 and 15 depend on claims 1, which the applicant has amended, the applicant believes that this

requested amendment is fully responsive to the rejection of this paragraph. The applicant respectfully requests reconsideration and withdrawal of this rejection.

Response to Arguments

7. The Examiner indicated that he had considered the applicant's previous arguments "but they are not persuasive." The Examiner further stated that he believes that the Bezos reference in claims 4 and 5 of generating a feedback report describes the "refining" step of applicant's invention. The applicant respectfully disagrees. In applicant's invention the refining step includes refining market broadcast filters based on statistical analysis of the results and data gathered during the track activity step. These filters are used to automatically select e-commerce marketplace(s) and therefore constitute substantially more than simply generating a feedback report to an associate. Therefore, the applicant believes that claim 1, as amended in the response filed on May 9, 2003, is not disclosed or suggested by the Bezos reference or any other known reference, since, besides other elements, claim 1 includes the explicit element of "e-commerce marketplace filters." The applicant therefore respectfully requests reconsideration and allowance of the claims of this application.

Conclusion

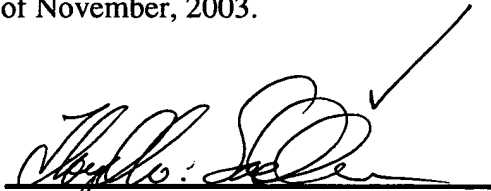
8. The Examiner indicated that this action is made final and reminded the applicant of the extension of time policy. The applicant appreciates this reminder. The applicant is responding to this final Office action, within the permitted extension of time period, with a Petition for Extension of Time and a Request for Continued Examination and fees. The

applicant believes that this response is fully responsive to this final action and respectfully requests continued examination.

9. The Examiner has provided information concerning communication and/or inquiries concerning this case. Applicant appreciates the Examiner's willingness to communicate and assistance regarding this case and believes no response to this paragraph is necessary.

The applicant has requested that claim 1 be amended as described. Applicant believes that all issues and points of the Examiner's Office action have been addressed. Applicant believes that claims 1-16 are patentable over all known prior art, claims 2-16 being dependent on the amended claim 1 and therefore including its limitations. Applicant respectfully requests reconsideration and allowance of this application.

Respectfully submitted this 15th day of November, 2003.



Lloyd W. Sadler, Reg. No. 40,154
PARSONS BEHLE & LATIMER
201 South Main Street, Suite 1800
Salt Lake City, Utah 84111
Telephone: (801) 532-1234
Facsimile: (801) 536-6111